

MINUTES

2022 SPECIAL COMMITTEE ON MEDICAL MARIJUANA

December 15, 2022
Room 346-S—Statehouse

Members Present

Senator Robert Olson, Chairperson
Representative John Barker, Vice-chairperson
Senator Larry Alley
Senator Cindy Holscher
Senator Rick Kloos
Representative John Eplee
Representative Christina Haswood
Representative Dennis “Boog” Highberger
Representative Eric Smith

Members Absent

Senator Jeff Longbine
Representative Nick Hoheisel

Staff Present

Jordan Milholland, Kansas Legislative Research Department (KLRD)
Kate Smeltzer, KLRD
Leighann Thone, KLRD
Kyle Hamilton, Office of Revisor of Statutes
Jason Long, Office of Revisor of Statutes
Michael Welton, Committee Assistant

Conferees

Brad Smoot, Prairie Band Potawatomi Nation
Russell Brien, Prairie Band Potawatomi Nation

Others Attending

See [Attached List](#)

THURSDAY, DECEMBER 15 ALL DAY SESSION

Welcome

Chairperson Olson convened the meeting at 10:08 a.m.

The Chairperson recognized Brad Smoot, representative, Prairie Band Potawatomi Nation, to introduce Russell Brien, legal counsel, Prairie Band Potawatomi Nation, to respond to Committee questions regarding the complex issues associated with the State's compacts with Native American tribes and the regulation of medical marijuana in Kansas.

The Chairperson called upon Jordan Milholland, Managing Research Analyst, Kansas Legislative Research Department (KLRD), to review a KLRD memorandum regarding the liability of medical providers, pharmacists, and employers concerning the recommendation of medical marijuana. ([Attachment 1](#))

Next, the Chairperson called upon Mr Milholland to review a KLRD memorandum concerning medical marijuana in federal affordable housing. Mr. Milholland discussed federal law, notable court decisions, and state law tenant discrimination statutes. ([Attachment 2](#))

The Chairperson called again upon Mr. Milholland to review a KLRD memorandum concerning regional (Arkansas, Colorado, Missouri, and Oklahoma) medical marijuana-related revenues. ([Attachment 3](#))

The Chairperson called upon Leighann Thone, Research Analyst, KLRD, to discuss a KLRD memorandum comparing the intersection of medical marijuana and employment laws in other states. Ms. Thone specifically discussed policies concerning anti-discrimination employee protections, required accommodations, on-the-job impairment, and worker's compensation programs. ([Attachment 4](#))

Next, the Chairperson called upon Ms. Thone to discuss a KLRD memorandum regarding litigation involving states with medical marijuana social equity programs. ([Attachment 5](#))

The Chairperson called upon Kate Smeltzer, Research Analyst, KLRD, to present a KLRD memorandum regarding how eight other states (Michigan, Mississippi, Missouri, Nevada, Oklahoma, Rhode Island, Virginia, and Washington) have established limitations on possession of usable medical marijuana. ([Attachment 6](#))

The Chairperson asked for comments from the Committee on the Office of Revisor of Statutes' report dated December 9, 2022, which summarized 72 policy issues raised by conferees at the Committee meetings of October 12 and 19, 2022, and to ask for Committee recommendations. ([Attachment 7](#))

Committee discussion ensued with members discussing several topics. The Special Committee on Medical Marijuana recommends the 2023 Legislature consider the information and perspectives provided to the Committee when it considers medical marijuana legislation. The Committee further agreed that the Legislature should especially consider the information and perspectives provided on:

- Expungement of marijuana-related convictions;
- Independent laboratory testing requirements;
- Licensing fees;
- Medical marijuana in jails and correctional facilities;
- Methods of administration;
- Physician education;
- Physician-patient relationships;
- Whether a pilot program is needed;
- Qualifying conditions;
- Seed-to-sale tracking systems;
- Taxes;
- Tiered licensing;
- Transferability of licenses; and
- Workers' compensation.

The Chairperson recognized Mr. Milholland to discuss the process concerning the Committee report.

Addendum

The Chairperson later requested a summary statement of Oklahoma Medical Marijuana Authority Executive Director Berry's remarks concerning the work of the Special Committee be included in the Special Committee's report to the 2023 Legislature.

Adjourn

The Chairperson adjourned the meeting at 11:23 a.m.

Prepared by Michael Welton

Edited by Jordan Milholland and Kate Smeltzer

Approved by the Committee on:

January 20, 2023

(Date)